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Attorney for MICHAEL D. McGRANAHAN, Trustee

THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
MODESTO DIVISION

In re:

FLOYD S. HILL,

Debtor.

SSN #XXX-XX-0772
2727 W. Bluff, #136
Fresno, CA 93711

Case No.: 03-94183-D-7

DC NO.: MGO-3

Chapter 7

Date: N/A

Time: N/A

Place: 1200 I Street, Suite 4
Modesto, California 95354

Judge: Hon. Robert S. Bardwil

EX PARTE APPLICATION TO EMPLOY SPECIAL CO-COUNSEL ON A CONTINGENCY

TO THE HONORABLE JUDGE OF THE UNITED STATES BANKRUPTCY COURT:

Pursuant to 11 U.S.C. §§ 327 and 328, Michael D. McGranahan, Chapter 7 Trustee ("Trustee") of the Estate of FLOYD S. HILL ("Debtor"), respectfully moves this Court as follows:

1. A Voluntary Petition was filed on September 19, 2003; the order for relief was entered on the same date. On October 9, 2003, this case was transferred from the Fresno Division of the United States Bankruptcy Court to the Modesto Division. Trustee was duly appointed Chapter 7 Trustee of the Estate of the Debtor on October 21, 2003.

2. Trustee previously employed special counsel Gary L. Huss, as set forth in the Order

1 Authorizing Trustee to Employ Special Counsel on a Contingency, filed December 28, 2004,
2 at Docket Number 88.

3 3. Huss filed an Adversary Proceeding for Nondischargeability of Debt and to Avoid
4 Fraudulent Conveyance and/or Denial of Discharge, Case No.: 03-9223, on behalf of the
5 Trustee.

6 4. An Amended Judgment After Trial was filed on September 5, 2006, as Docket
7 Number 88.

8 5. The Judgment avoided fraudulent transfers in the amount of \$105,000.00, among
9 other relief.

10 6. Trustee seeks to employ special co-counsel to assist in the collection of the
11 judgment, since defendants Floyd Hill and Janet Hill have failed to pay the judgment.

12 7. Trustee wants to employ David J. Cook of Cook Collection Attorneys ("Cook") as
13 special co-counsel on a contingency since Cook has extensive experience in collecting
14 judgments. Cook's résumé is being filed concurrently herewith as Exhibit "A," and
15 incorporated herein.

16 8. The terms of Huss' representation of the Trustee were set forth in the Contingency
17 Fee Agreement, which was previously filed as Exhibit "B," Docket Number 86 and
18 incorporated herein.

19 9. The terms of that Agreement included a contingency fee to Huss of 30%, plus costs
20 and expenses.

21 10. Huss has agreed to decrease his contingency fee to 25%, while Cook has agreed to
22 a contingency fee of 15%, for a total contingency fee of 40%.

23 11. The full terms of the representation of special counsel Huss and special co-counsel
24 Cook are being filed concurrently herewith in the Contingency Fee Agreement filed as Exhibit
25 "B," and incorporated herein.

26 12. Any award of compensation and reimbursement of expenses will be subject to 11
27 U.S.C. § 330(a), and any other applicable Bankruptcy and local rules.

28 13. Trustee believes that the employment of Cook is in the best interests of the Estate

1 and that it will result in the most efficient handling of this matter.

2 14. Based on this Application and the Supporting Declaration, it is asserted that Cook
3 holds no interest adverse to this Estate, has no connection with the Debtor, creditors, or any
4 other party in interest, their respective attorneys and accountants, the United States Trustee,
5 or any person employed in the United States Trustee's Office, except as set forth herein, and
6 is a disinterested person within the meaning of 11 U.S.C. § 327.

7 WHEREFORE, Trustee prays for authorization to employ Cook as special co-counsel
8 on a contingency for performance of the services as described herein, and that the Court
9 grant such other relief as is just.

10 Dated: August 21, 2008

/s/ Michael D. McGranahan
Michael D. McGranahan

12 **VERIFICATION**

13 I, Michael D. McGranahan, declare:

14 1. I am the duly appointed, qualified, and acting Chapter 7 Trustee of the above-
15 referenced Debtor's Bankruptcy Estate.

16 2. I have reviewed the above Ex Parte Application to Employ Special Co-Counsel on a
17 Contingency, and everything set forth therein is true and correct. If called as a witness in this
18 matter, I could competently testify from personal knowledge to the foregoing.

19 I declare under penalty of perjury under the laws of the United States of America that
20 the foregoing is true and correct and that this declaration is executed on August 21,
21 2008, at Modesto, California.

22 /s/ Michael D. McGranahan
23 Michael D. McGranahan

24 This Ex Parte Application to Employ Special Co-Counsel on a Contingency was
25 prepared by Michelle G. Oleksa, general counsel for the Trustee.

26 DATED: August 27, 2008

OLEKSA LAW OFFICE, P.C.

27 By: /s/ Michelle G. Oleksa
28 Michelle G. Oleksa,
Attorney for Trustee